

STAT

GARDEN CITY NEWSDAY ()
5 December 1981**A VIEW FROM WASHINGTON**

Questions, Worry Over Spy Rules

By Jim Klurfeld
Newsday Washington Bureau Chief

Washington—President Reagan's new executive order governing the intelligence community does not totally unshackle the CIA from the reforms of the 1970s, but it could go a long way toward placing the CIA back in the domestic spying business.

Those who feared that Reagan and his most conservative supporters wanted to do away with almost all the restrictions placed on the intelligence community after the scandals of the 1970s said last night they were relieved. Compared with the earlier drafts, the order represents only modest changes from the executive order issued by President Jimmy Carter in 1978.

But to civil libertarians and critics of the Central Intelligence Agency, it has opened dangerous loopholes that the intelligence community is certain to take advantage of. The specter of the CIA spying on innocent Americans, opening mail and conducting domestic covert operations was raised by critics such as Rep. Don Edwards (D-Calif.) the chairman of the judiciary subcommittee on constitutional rights.

Edwards and others said domestic activity by the CIA has the greatest potential for abuse. Under the Carter order, the CIA could investigate Americans inside the United States who were not suspected of wrongdoing only if they were willing to cooperate with the CIA. Now, under the Reagan order, if there is "significant" information that an American citizen is involved in a foreign intelligence matter, the CIA can pursue the case inside the United States even if the person is not suspected of wrongdoing. That person's personal records could be examined, and he could be followed.

Intelligence legal experts said a key question will be who determines what is "significant information." The order seems to indicate that the finding will be made by the CIA and the attorney general.

Under the new order, for instance, an American professor who studied in the Soviet Union for one year could be subject to investigation if his subject involved something of interest to the agency. Under the old order the CIA would have had to ask for the professor's cooperation.

There is also concern that the new order will allow increased surveillance of Americans.

lished before surveillance. Under the Reagan order, involvement would just

In the earlier drafts of the Reagan order, however, there were no prohibitions to domestic or overseas surveillance. That approach was rejected not only by members of the American Civil Liberties Union but also by many in the intelligence community who feared that too broad a mandate might lead to more of the abuses of the past.

The new order specifically allows special activities—covert operations—inside the United States as long as the operation is not intended to influence U.S. political processes, public opinion, policies or media. Critics said "intention" is difficult to define. In the old order domestic covert activities were banned.

The executive order is part of the Reagan administration's attempt to revitalize the intelligence community and give it a more active role in foreign policy. The administration is not only easing restrictions on the intelligence agencies but also increasing their budgets and manpower and ending almost all of contact with the press and public. Next year there will be an attempt to make revealing the name of an intelligence official a crime and, in a bill sponsored by Sen. Alfonse D'Amato (R-N.Y.), an attempt to exempt the CIA from the Freedom of Information Law.

The Reagan executive order replaces a Carter order that liberals criticized as much too broad and follows the failure of Congress to pass an intelligence charter. The order does not have to be approved by Congress.

"We thought you could drive a truck through the Carter version," said Jerry Berman, an official of the American Civil Liberties Union. But he said Reagan's order was preferable to the draft circulated by the administration in September.

The executive order is only the first step, however. There was agreement last night among intelligence experts that an equally important step will be the issuing of specific guidelines and regulations to implement the order. Whether the order is interpreted strictly or broadly could make a significant difference, Berman and others said. And there is likely to be a fight between Congress, which wants to be involved in the promulgation of those guidelines, and the agency, which believes that is purely an executive matter.

Sen. Daniel P. Moynihan (D-N.Y.), the ranking member of the Senate Select Committee on Intelligence, said he believes the order makes it clear that the mission of the CIA is overseas. But Moynihan acknowledged that there could be problems in implementation, saying, "There are a very few provisions in the executive order which, if misinterpreted, or stretched beyond the legislative intent of their authors, could pose some problems. The order recognizes that the CIA might, in rare cases, be called upon to collect foreign intelligence information within the United States."

It is the possibility that the "rare" cases might become commonplace that has many Congress members and civil libertarians concerned.